

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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JEREMY BIRMINGHAM,

Plaintiff,

Case No.: \_\_\_\_\_

v.

Hon. \_\_\_\_\_

NELNET LOAN SERVICES INC,  
and GC SERVICES, LP,

40<sup>th</sup> Judicial District Case No.  
17-1430-GC

Defendants.

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JEREMY BIRMINGHAM  
Plaintiff  
*Pro se*  
21108 Hoffman Street  
St. Clair Shores, MI 48082

MILLER, CANFIELD, PADDOCK  
AND STONE, PLC  
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**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Defendant GC Services, L.P. (“GC Services”) hereby removes *Jeremy Birmingham v NelNet Loan Services Inc and GC Services, LP*, Case No. 17-1430-GC pending in the District Court for the 40<sup>th</sup> Judicial District (“State Court Action”) to the United States

District Court, Eastern District of Michigan, Southern Division. Removal to this Court is proper for the reasons set forth below.

1. On or about August 11, 2017, Plaintiff filed the State Court Action in small claims court. The State Court Action is currently pending in the 40<sup>th</sup> Judicial District Court, general civil division.

2. GC Services was served with the Complaint by mail and received it on August 18, 2017.

3. Plaintiff has also named as a Defendant in this lawsuit “NelNet Loan Services INC,” providing as its address “3015 S. Parker Road 400 Aurora, CO 80014.” It does not appear that NelNet was served in Michigan, or that the Complaint was served on an officer or agent appointed by law. As such, there is no other Defendant that has been properly served.

3. In small claims court the Affidavit and Claim serves as the Complaint. A copy of the Affidavit and Claim and all other process, pleadings, and orders received by GC Services are attached as Exhibit A.

4. The State Court Action is a civil suit for damages under the federal Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. 1692 *et seq.* Plaintiff alleges “various FDCPA violations.” (Ex A, Affidavit and Claim ¶ 9).

5. Plaintiff also alleges state law claims of “breach of contract, misrepresentation, fraud, damage to credit worthiness” over which this Court has

supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

6. This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1331 (federal question), and removal of the action to this Court is proper pursuant to 28 U.S.C. §§ 1441, 1446. *See also* 15 U.S.C. 1692k(d).

7. This Notice of Removal is timely under 28 U.S.C. § 1446(b), as GC Services received the Complaint less than 30 days ago.

8. The United States District Court for the Eastern District of Michigan is the federal district court having jurisdiction over the place where the State Court action is pending.

9. A true and correct copy of this Notice of Removal has been sent to the Clerk of the 40<sup>th</sup> Judicial District Court, State of Michigan, for filing as provided by law.

WHEREFORE, GC Services gives notice of removal of the State Court Action to the United States District Court for the Eastern District of Michigan, and requests that all future proceedings be held in this Court.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.  
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Lara L. Kapalla-Bondi (P67667)

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DATED: September 15, 2017

**CERTIFICATE OF SERVICE**

I hereby certify that on September 15, 2017, I presented the foregoing paper to the Clerk of the Court for filing and uploading to the ECF system. I further certify that on September 15, 2017 I served a copy of the foregoing paper on non-ECF user Jeremy Birmingham by first class mail to 21108 Hoffman Street St. Clair Shores, MI 48082.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.  
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DATED: September 15, 2017